

**MINUTES**  
**EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING**

**Tuesday, April 25, 2017**

**City Council Chamber**

**4:00 p.m.**

**PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council President Kincaid called the meeting to order. The following members were present: Council Members Kate Beaton, Kerry Kincaid, David Klinkhammer, Kathy Mitchell, Bob Von Haden, Andrew Werthmann, and Michael Xiong. The following members were absent: Council Members Catherine Emmanuelle, David Strobel, Tim Tewalt and Terry Weld.

**CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, April 25, 2017:

- Adopting the Consent Agenda.
- Approving the Minutes of the April 11, 2017 City Council Legislative session.
- Granting Bartender licenses.
- Granting a Change of Agent for the Class A Beer license of Cenergy, LLC., d/b/a Mega Holiday #3709, 5511 S Highway 93, from Andrea M. Nyhus to Jason R. Otto.
- Granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Chippewa Valley After Hours Rotary Club, David Shaurette, president, on June 4, 2017, at Phoenix Park, 330 Riverfront Terrace, for Taste of the Valley.
- Granting a Temporary Class B Fermented Malt beverage license to Eau Claire Events, Andrew Ottum, president, on June 4, 2017, at Half Moon Park, 615 Randall Street, for the Eau Claire Triathlon.
- Granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Paul Bunyan Logging Camp Museum, Gordy Wall, president, on June 23, 2017 at the Paul Bunyan Logging Camp Museum, 1110 Carson Park Drive, for the After Dark Presents Event.
- Authorizing Eau Claire Events to conduct the Eau Claire Triathlon on June 3 - 4, 2017 at Half Moon Lake Beach.
- Authorizing the Leader-Telegram and the Chippewa Valley After Hours Rotary Club to conduct the Taste of the Valley on Sunday, June 4, 2017 in Phoenix Park.
- Authorizing Volume One Events, LLC to conduct the Sounds Like Summer Concert Series on Thursdays, beginning June 1 – August 31, 2017 at Phoenix Park.
- Preliminary Resolution declaring the City's intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for street, utility, and sidewalk improvements, and directing the City Clerk to give notice of a hearing scheduled for May 8, 2017, on Gibson Street, South Barstow Street to Graham Avenue (17-207) .
- Certifying the Semi-Annual Report for EDA-funded Revolving Loan Fund Grants.

Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Klinkhammer "to adopt the consent resolution". Said motion passed by unanimous vote.

## **PROCLAMATION**

Council President Kincaid, on behalf of the entire Council, proclaimed April 28 as Arbor Day in the City and noted that Eau Claire had once again been named a Tree City USA by the National Arbor Day Foundation for the 36<sup>th</sup> year.

Council Member Weld arrived in the Council Chamber.

## **LICENSING**

The City Council considered a resolution granting a permanent expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage and Class A Cabaret licensed premise of Chase Collins, d/b/a The Local Lounge, 2106 N. Clairemont Avenue, to include a 5,000 square foot event center. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

## **BUDGET AMENDMENTS**

The Council considered a resolution authorizing Capital and Operating Budget Appropriations, Re-Appropriations, and Carryovers for Fiscal Years 2016 and 2017. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Werthmann “to adopt the resolution”. Said motion passed by unanimous vote.

## **PARATRANSIT**

The City Council considered a resolution approving the 2017 Paratransit Aids Contract with the Wisconsin Department of Transportation. Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Weld “to adopt the resolution”. Said motion passed by unanimous vote.

## **STREET & SIDEWALK IMPROVEMENTS**

The Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on Graham Avenue, Eau Claire Street to Grand Avenue (17-206). Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous vote.

The City Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on Graham Avenue, Eau Claire Street to Grand Avenue (17-206). Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

## **ENCROACHMENT**

The City Council considered a resolution granting a permanent encroachment to Parcel No. 02-0022, 220 S. Barstow Street, Children's Museum of Eau Claire, for a Play Anywhere Panel on Grand Avenue. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Beaton "to adopt the resolution". Said motion passed by unanimous vote.

## **LAND ACQUISITION**

The City Council considered a resolution authorizing an amendment to the Relocation Order for the acquisition of land for the Fire Station #10 project located on Malden Avenue. Thereupon a motion was offered by Council Member Weld and seconded by Council Member Klinkhammer "to adopt the resolution". Said motion passed by unanimous vote.

The Council considered a resolution authorizing the purchase agreement terms for the acquisition of land for the Fire Station #10 project located on Malden Avenue. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Mitchell "to adopt the resolution". Said motion passed by unanimous vote.

## **TAX INCREMENTAL DISTRICT #9**

The City Council considered a resolution approving a Project Plan Amendment for Tax Incremental District #9. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Werthmann "to adopt the resolution". Said motion passed by unanimous vote.

## **ZONING**

The City Council considered an ordinance rezoning property located at the northwest corner of Birch Street and Malden Avenue from TR-1A to P-Public and adopting the General Development Plan for a new fire station as shown on Planning File Z-1595-17. Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Weld "to adopt the ordinance". Said motion passed by unanimous vote.

## **RIGHT-OF-WAY USAGE**

The Council considered an ordinance amending Chapter 13.10 of the Code of Ordinances of the City of Eau Claire, entitled "Street Excavations and Openings" to include right-of-way use regulations. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden "to postpone consideration of the ordinance until the next Council meeting in two weeks". Said motion to postpone passed by unanimous voice vote.

Council Member Emmanuelle arrived in the Council Chamber.

### **HOUSING CODE**

The City Council considered an ordinance repealing and recreating Chapter 16.08 of the Code of Ordinances of the City of Eau Claire entitled "Housing Code", and amending Chapter 1.25 of the Code of Ordinances of the City of Eau Claire entitled "Enforcement – Orders – Inspections". Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Beaton "to adopt the ordinance". Said motion passed by unanimous vote.

### **WELLHEAD PROTECTION**

The Council considered an ordinance amending Chapter 14.10 Code of Ordinances of the City of Eau Claire entitled, "Wellhead Protection" adding to the Prohibited Uses section as shown in Planning File Z-1587-16 Amd. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle "to adopt the ordinance". Council Members asked clarifying questions of staff. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Werthmann "to amend the ordinance by adopting the substitute ordinance in place of the original ordinance". Council Members discussed the motion and substitute ordinance. The Council then voted on the motion to substitute. Said motion to substitute failed to receive the necessary six votes for passage. Aye: Council Members Beaton, Emmanuelle, Mitchell, Werthmann and Xiong. Nay: Council Members Kincaid, Klinkhammer Von Haden and Weld. The Council then voted on the motion to adopt the original ordinance. Said motion passed by the following vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Mitchell, Weld, Werthmann and Xiong. Nay: Council Members Klinkhammer and Von Haden.

### **SPEED LIMITS**

The City Council had first reading on an ordinance amending Table I of the Code of Ordinances of the City of Eau Claire entitled "Speed Limits," by changing the speed limit in various locations throughout the City.

### **ANNEXATION**

The Council had first reading on an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 15<sup>th</sup> Assessment Ward, 2<sup>nd</sup> Aldermanic District, that part of Lot 53 of Blakeley's Addition, all located in the SE ¼ - NW ¼ of Section 34-27-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 17-1A (Lechner Petition, 2622 Sessions Street.).

### **ADJOURNMENT**

A motion was offered by Council Member Mitchell and seconded by Council Member Xiong “that this meeting does now adjourn without objection.” Said motion passed by unanimous consent.

Adjournment: April 25, 2017

Time: 5:37 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Donna A. Austad, City Clerk

### **BUDGET PRIORITIES WORK SESSION**

Following the Legislative Session, the Council convened in the North Conference Room for a work session to review their priorities and policies for the 2018 - 2022 Capital Improvement Plan.